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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 29th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 17 February 1992, at 10 a.m.

Chairman:	Mr. SOLT	(Hungary)
later:	Mr. NASSERI	(Islamic Republic of Iran)

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The meeting was called to order at 10.10 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF PERU

1. The CHAIRMAN welcomed the Minister for Foreign Affairs of Peru and invited him to address the Commission.

2. Mr. BLACKER MILLER (Peru) said that the Commission on Human Rights was meeting at a time of immense historical significance. Changes in international relations were gradually being consolidated and it was vital if the new world order was not to be a mere continuation of post-war agreements, that the new international structures should look forward constructively to the twenty-first century. A new perspective was called for which would place human beings at the centre of international relationships.

3. The session also coincided with the five hundredth anniversary of the meeting of two worlds which, whilst engendering the trauma of colonialism, had also contained the seeds of symbiosis between cultures and societies. That convergence of events was a happy historical coincidence, conducive to a profound reflection on the doctrine of human rights and on the United Nations system for their protection and promotion from a universal, rather than ethnocentric or paternalistic standpoint.

4. There had been many antecedents over the centuries to the 1948 Universal Declaration of Human Rights which affirmed the universal nature of the values inherent in human dignity. In almost all religions and great civilizations, the vast majority of which had flourished in what was currently known as the developing world, there had always existed a humanistic and ethical conception of the human being and his or her life in society. It was thus clearly wrong to think of the modern doctrine of human rights as being rooted in a single cultural or political tradition.

5. The foundations of modern international law and the doctrine of human rights had been laid in Latin America, following the encounter between its indigenous civilizations and western culture, through the efforts of thinkers such as Bartolomé de Las Casas, who believed that human beings, their cultures and their societies were intrinsically worthy of respect and that human dignity demanded that no one should arrogate to himself the right to decide on the lives and beliefs of others. Human rights were universal and, far from being abstract, affected day-to-day behaviour. That coincided with the modern thinking that stressed the inconsistency of proclaiming human rights while disregarding the practical conditions needed for their achievement.

6. In that context, his Government considered that human rights must be an essential component of any international order based on peace, justice and democracy. There were thus major tasks ahead, particularly in connection with the forthcoming World Conference on Human Rights.

7. The principle of the universality of human rights must be applied without exception or selectivity. Human rights must not be used for political or ideological ends. That issue was of capital importance in view of current trends in international relations, the violations of human rights in

situations of conflict and the resurgence of movements with racist and xenophobic attitudes hostile, in particular, to immigrants from the developing world.

8. Non-governmental organizations were playing an increasing role in international relations, particularly in the field of human rights, where they were essential to the United Nations protective mechanisms. At the same time, however, the international community had to cope with another kind of non-governmental organization, criminal organizations dealing in terrorism and drug trafficking which often, not least in Peru, acted against not only the individual but also the State, society and the democratic system, which needed to be protected from systematic violation by terrorists and drug traffickers in the same way as the individual was protected from the despotic power of the State. If it was generally accepted that human rights could flourish only in a democratic society, it followed that organized groups which murdered, tortured, and spread anarchy should not be exempt from international condemnation. In that connection, the industrialized democracies should give active support to the consolidation of the Latin American democracies.

9. It was not consistent, rational, ethical or politically justifiable that terrorists should be harboured by certain States, which allowed them to maintain an international organization and to promote violence, destabilization and the creation of conditions favourable for the violation of human rights. His Government believed that there must be no double standards for the developed world and the developing world, a view shared by a wide range of opposition political forces in his country.

10. The Commission on Human Rights should concern itself with such violations and it was not a valid argument to say that respect for human rights could be demanded only from States parties to the Universal Declaration and the International Covenants on Human Rights. International law was based on general principles to be enjoyed by all and to be observed by all.

11. As in previous years, the Peruvian delegation would submit a draft resolution on the consequences on the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population. The murderous activities of such groups not only threatened the right to life but were also designed to destroy the State and the national economy. Social and economic development was extremely difficult when undermined by terrorist groups. For example the cost of the damage caused by terrorists in Peru during the 1980s equalled the sum total of the country's foreign debt.

12. All human rights must be regarded as indivisible, whether civil and political rights or economic, social and cultural rights. As a concept, human rights had passed through several stages of evolution but, in their contemporary form, they were firmly established in the Universal Declaration of 1948 as a function of the relationship between the individual and society. The Declaration was thus an affirmation of human solidarity and human dignity, which could achieve practical implementation only through the concerted efforts of the international community.

13. In that process, the non-governmental organizations played a cardinal role, which must be exercised with all due regard to the need for objectivity and impartiality. The NGOs must take care to refrain from placing undue emphasis on isolated incidents, from wrongfully attributing responsibility, and from the unjustified omission of relevant information from their reports: in short, they should live up to the responsibilities entrusted to them by the Economic and Social Council.

14. As the Commission was aware, his country had for more than a decade been experiencing a campaign of terror waged by the Sendero Luminoso guerrillas, whose intention was to seize power by the same genocidal means as those employed by the Khmer Rouge in Cambodia. Peru, however, was a democracy, and its population enjoyed full civil and political rights through direct and regular elections to the Presidency of the Republic, to the National Congress and to regional and municipal governments. In exercising those rights, the Peruvian people had shown its democratic will by repeatedly participating in elections, despite blackmail and terror, particularly in rural areas.

15. The election to the Presidency of Mr. Fujimori in 1990 had owed nothing to traditional means of political influence, and could accordingly be regarded as unprecedented. However, the new Government had found itself confronted by a disastrous situation which had obliged it to embark on a resolute plan of national reconstruction. The situation in the 1980s, resulting from terrorist violence and economic uncertainty, had brought Peru to the gravest crisis in its history. In 1990 alone, terrorist groups had been responsible for the deaths of some 15,000 Peruvians.

16. As far as the economic and social costs of the violence were concerned, it could be said that Peru's development had been set back by some 10 years. When the current Government had taken office, the country had lost 40 per cent of its energy-generating capacity and 60 per cent of its oil-production capacity and had suffered a 40 per cent decline in real terms in its exports since the beginning of the 1980s. The country's external debt bordered on $21 billion, representing six times the value of its exports; meanwhile, inflation had reached new and devastating heights. In addition, towards the end of the 1980s, drug trafficking and corruption had reached proportions which threatened to undermine the very foundations of society. Despite such adverse trends, the Peruvians had continued to demonstrate their human potential and their faith in democracy.

17. The national reconstruction process initiated under the leadership of President Fujimori had in less than 18 months, succeeded in restoring the confidence of international financial institutions in Peru's economic future. In particular, it had succeeded in reducing the rate of inflation significantly. However, the process included measures not only to stabilize the economy but also to improve the human rights situation. Such measures included sanctions against law enforcement officials who abused their authority. So far, the results obtained had been encouraging, as could be seen from the report of the Working Group on Enforced or Involuntary Disappearances.

18. His Government was also convinced that the struggle against terrorism and drug trafficking involved social, economic, political and other factors, in addition to the purely military option. Its policy therefore took into account the need for voluntary participation of civilians and peasants in self-defence associations. Those associations were also involved in economic and social development on behalf of the most disadvantaged and vulnerable sectors of the population.

19. It should be pointed out that the Peruvian State and its armed forces had affirmed their adherence to democratic and humanist values and to constitutional rules which would enable Peru to avoid the dictatorship experienced by so many Latin American countries in the past.

20. Among the new constitutional arrangements established to ensure the impartial investigation of human rights abuses, mention should be made of the Presidential Directive of March 1991, whereby, as Chief of the Armed Forces and the National Police Force, the President had reiterated the requirement that those forces respect human rights and comply with their obligations: enforced disappearances, extrajudicial executions and torture were expressly prohibited. In addition, in cooperation with the Centre for Human Rights, educational programmes to promote awareness of human rights were to be introduced, and the Inter-American Committee on Human Rights would be invited to visit Peru.

21. The former Secretary-General of the United Nations, Mr. Pérez de Cuéllar, had been invited to act as honorary President of an independent peace council. For the first time in the history of Peruvian law, the Criminal Code included a specific provision regarding crimes against human rights, providing that a public servant found guilty of such an offence was liable to a sentence of not less than 15 years' imprisonment. Legislative Decree No. 685, of September 1991 provided that, in areas declared to be in a state of emergency, the prosecuting attornies were empowered to enter premises in which persons were officially detained in order to ascertain their circumstances. Such a provision would facilitate the work of the judicial authorities and the organizations protecting human rights.

22. Lastly, a Decree had been issued giving the competent representatives of the International Committee of the Red Cross access to all detention centres. It had also been decided to establish a centralized public register of detainees, to be held available in all detention centres, giving the name and other particulars of the detained person, the grounds for the detention, the circumstances in which the detention was effected, the names of the persons who carried out the arrest, and the place of detention. The head of the detention centre was personally responsible for the correctness of the information in the register.

23. Mr. Nasseri (Islamic Republic of Iran) took the Chair.

WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 24) (continued) (E/CN.4/1992/57)

24. Mr. BARKER (Australia) said that the World Conference on Human Rights had attracted great interest, since human rights were at the centre of the striking changes taking place around the world. Two broad themes were

developing in the preparatory work for the Conference, one being the importance of consolidating existing mechanisms and ensuring their more effective implementation and the other the need to develop those aspects of the world's new political agenda which were relevant to the advancement of human rights. However, in order to ensure that the Conference achieved practical results, it needed adequate preparation and his delegation wished to set out some ideas as to how such results might be achieved.

25. Some significant work had already been done, as evidenced by General Assembly resolutions 45/155 and 46/116 and Commission resolution 1991/30, and there should be no attempt to reopen issues which had already been the subject of negotiation and consensus. The time available for the preparation for the Conference was limited since only three sessions of the Preparatory Committee remained before the opening of the Conference.

26. His delegation believed that, at its second session, the Preparatory Committee should get down quickly to substantive work. Plenary debate should be limited to that which served specific objectives, most of the work taking place in working groups. All those participating, including non-governmental organizations, should work purposefully through the priority items, the most important of them being the agenda for the Conference, the rules of procedure and the final document. Delegations and the Secretariat should give careful thought to the specific tasks which the plenary and two working groups should carry out. Simultaneous working groups could be a burden to small delegations, but it was more important to get on with the work quickly.

27. As an early start to the substantive work was needed, the Preparatory Committee should begin work on the final document or documents of the Conference, in terms of both content and form. On the latter point, his delegation would prefer a short proclamation in general terms, which would lend itself to media coverage and be more suitable for endorsement by high-level participants, supplemented as necessary by other resolutions on specific issues. The final document could be discussed in a plenary session of the Preparatory Committee, which would give a good sense of the international community's views on its form and content. Depending on the work programme for the Preparatory Committee, it could then be given initial attention in one of the working groups. Alternatively, it could be left for the September session of the Preparatory Committee, in which case that session should be largely devoted to it.

28. The agenda was an equally important matter, which must be submitted to the General Assembly at its forty-seventh session. Work on the agenda should, as far as possible, proceed in tandem with work on the final document, while work on the rules of procedure should be completed by the Preparatory Committee at its forthcoming session.

29. Another very important area concerned the studies and documentation to be prepared for the Conference. His delegation did not believe that the international community should attempt to reach a consensus on the contents of those studies before they were written. At its first session, the Preparatory Committee had required that the regional groups be consulted on the studies. While it would be useful for comments on the contents of the

studies to be submitted to the Secretariat, the expert authors of the studies should be trusted to present the Conference with relevant and useful work which would challenge and inspire it. The negotiating skills of the delegations involved in the preparatory work could then be reserved for the task of elaborating the final documents.

30. His delegation welcomed the statement by the delegation of Italy, at the beginning of consideration of agenda item 24, concerning the venue for the Conference.

31. His delegation had a suggestion for a specific activity which could start during the preparatory process and could be followed through at the World Conference and beyond. It was that each State should prepare a human rights action plan, based on its own situation and circumstances and outlining steps it intended to take to improve its human rights performance. It could, for instance, indicate the human rights instruments it intended to ratify, outlining exactly how it would do so, and the human rights treaty reservations it intended to withdraw. It could pledge itself to submit overdue reports to treaty bodies or to pay outstanding contributions. It could undertake training programmes in areas such as the administration of justice and propose access to the United Nations advisory services programme, and it could set out steps by which it would establish a national human rights institution.

32. Such an approach would not be prescriptive, since each country would set its own agenda, but it would take place within a shared framework of commitment to the observance of human rights. At its next session, the Preparatory Committee could invite States to prepare and submit such action plans, which could be noted by the Committee at its September session. By the time of the World Conference itself, each State would be in a position to give an initial progress report on the implementation of its own action plan, and the process could subsequently be followed up within the framework of the Commission on Human Rights.

33. Another important aspect of the preparatory process was the regional meetings. They would provide an opportunity for different perceptions based on cultural, social and historical differences to be taken into consideration in the overall process. They could also give a focus to particular regional situations and problems.

34. In conclusion, his delegation wished to point out that 1993, the year of the Conference, was also the International Year for the World's Indigenous People. Australia had a particular interest in promoting the rights of indigenous people and for that reason considered it essential that both those human rights activities should reflect the other.

35. Miss FERRIOL ECHEVARRIA (Cuba) said that the World Conference on Human Rights would be tremendously important for the consolidation of the promotion, protection and full achievement of human rights and fundamental freedoms, especially since the international community was still far from genuine cooperation in that field. Indeed, certain Western countries used human rights selectively in order to attack some developing countries on

political grounds. That had resulted in coercion and blackmail against sovereign States and attempts to impose models alien to the history, traditions and cultures of the peoples of the third world.

36. The 1993 Conference should be an opportunity to come to terms with the radical changes that had taken place in international relations in recent years and had resulted in the military and political predominance of a sole super-Power. In that situation, it was important to stress the rights of States to enjoy their sovereignty without any interference in their internal affairs, and to encourage the solution of international conflicts by peaceful means without recourse to force.

37. All human rights and fundamental freedoms were inalienable, indivisible and interdependent. For the developing world, the resolution of the problems of development, illiteracy and malnutrition was a basic prerequisite for the full realization of civil and political rights. It was high time that the international community in general, and the United Nations in particular, realized that economic and social development and human rights were paths converging on the same goal, the maintenance of peace and justice.

38. Her delegation wished to reiterate its full support for two crucial General Assembly resolutions, namely 32/130 and 36/103, which should serve as a basis for debate at the Conference, since the circumstances which had given rise to them were still only too relevant, concerning as they did the ever-widening gulf separating the poor countries of the South from the rich ones of the North.

39. It was vital to continue seeking ways of resolving situations which had resulted in massive and flagrant violations of human rights such as apartheid, colonialism, foreign domination and occupation and the persistence of an international economic order which was profoundly unjust and which prevented the full achievement by the peoples of the third world of their human rights. General Assembly resolution 45/155 and Commission resolution 1991/30 contained all the basic elements needed for the preparatory work for the World Conference, and it was to be hoped that the concerted and transparent efforts of all States would make it possible for the Conference to achieve its primary objective.

40. Her delegation, like all the other delegations of Latin American countries, considered the Conference to be of the utmost importance and had thus participated actively in the preparatory work, including work on the draft agenda and on the documents to be submitted to the Secretariat. In that context, it recognized that the regional meetings were highly significant and welcomed the decision of the Latin American countries to hold their meeting in Costa Rica in July 1992.

41. The Conference would consider the relation between development, democracy and the universal enjoyment of economic, social, cultural, civil and political rights, in conformity with the principles embodied in the United Nations Charter. It would assess the current state of human rights in the world and the obstacles preventing their full realization, stressing the implementation of human rights standards and instruments and the effectiveness of United Nations procedures. The ideas and recommendations resulting from the

Conference should be designed to improve the effectiveness of existing activities and mechanism and to ensure the necessary financial resources for such activities.

42. Mr. SALAZAR (Colombia) said that the role of the United Nations in ensuring the enjoyment of human rights must change in response to the evolving social and economic needs of modern society. The end of the cold war had eliminated certain obstacles, but there was a continuing requirement to tackle the root causes of xenophobia, racism and intolerance, and to strengthen the machinery available to protect human rights, while safeguarding the sovereignty of States and the principle of self-determination.

43. The World Conference on Human Rights should provide an opportunity for resolving the dichotomy of interests between the individual and the State, at the national level, while affirming the universal principles of the interdependence, indivisibility and non-selectivity of human rights, at the international level. The regional aspect should also be taken into account, so that the recommendations adopted by the Conference truly corresponded to local realities. The Latin American group had accordingly supported the idea of holding regional conferences at the preparatory stage.

44. The presidents of the Latin American countries had, in that connection, held a meeting in Mexico at which they had agreed on such issues as respect for the sovereignty of States and the self-determination of peoples, the strengthening of the rule of law through strategies to eradicate the violent factors plaguing the region, protection of the environment, the elimination of discrimination against minorities and the promotion of the rights of women, children, young people and the elderly.

45. Another interesting aspect of the World Conference would be the definition of the concept and practical implementation of the interdependence of all human rights. There was general agreement that civil and political rights were binding and that their violation must be punishable by law, but there was no explicit legal underpinning for economic, social and cultural rights. Much had yet to be done to establish distributive economic justice as a fundamental human right.

46. His delegation, and the Latin American group, endorsed the views of the General Assembly concerning the need to review the entire human rights system in the United Nations. To that end, it would be appropriate to make an integrated study of the international instruments, organizations, procedures and protection and promotion mechanisms that already existed. In addition to studying the existing mechanisms, the Conference should also examine interesting suggestions, such as the establishment of a mechanism to deal with emergency situations proposed by the Austrian delegation.

47. All States should make every effort to ensure the effectiveness of the mandate entrusted to the Centre for Human Rights, not least its advisory services. The views of delegations on that subject and other suggestions made during the discussion at the Commission's current session could usefully be forwarded to the Preparatory Committee so that it could take them into account in its final elaboration of the agenda for the Conference.

48. In conclusion he thanked the Government of Italy for its offer to act as host to the Conference. That gesture was a further indication of the commitment of the Italian Government and people to the universal cause of human rights.

49. Mr. Solt (Hungary) resumed the Chair.

50. Mr. ASSADI (Islamic Republic of Iran) said that, since the previous International Conference on Human Rights, held at Tehran in 1968, the international community had made significant progress in setting human rights standards. Such progress had not, however, been matched by actual and effective promotion and protection of human rights. That was due, firstly, to the unsatisfactory performance of the United Nations human rights organs, including the Commission on Human Rights, which had compromised the principles of universality, objectivity and non-selectivity of human rights questions; secondly, to power-bloc politics and super-Power confrontation, which had had a negative impact on the promotion of human rights; thirdly, to situations such as those created by apartheid, racial discrimination, colonialism, foreign domination and military aggression, which involved flagrant violations of human rights on a massive scale and, lastly, to rampant economic injustices in many parts of the world, which had further exacerbated the objective conditions of life to the detriment of human rights.

51. The world stood at the threshold of a new era of great challenges and opportunities, but also of possible disasters. In that regard, the World Conference on Human Rights could be an effective forum for comprehensive and constructive exchanges of views on human rights, if its preparatory work included analytical and critical research on major human rights issues. Such research should include an objective assessment of the human rights situation in all countries, without exception; an appraisal of the quality and effectiveness of the United Nations human rights activities since the Tehran Conference; an evaluation of the effectiveness of the existing procedures and mechanisms for monitoring human rights situations and for the promotion of such rights; an examination of the necessity and usefulness of devising new procedures or mechanisms; an examination of the adequacy of existing instruments in the light of the changing circumstances; and an examination of the possible enrichment and strengthening of existing instruments through the expansion of their theoretical foundations.

52. The last point was particularly significant, since it would permit a comprehensive review to be undertaken of the fundamental principles of human rights as perceived by societies with different historical and cultural backgrounds. Indeed, it was widely felt that, since many States had had little or no involvement in the elaboration of the existing human rights instruments, the latter should remain open to constructive reform which could further encourage accession and thereby contribute to their strengthening. In that connection, the Declaration on Human Rights in Islam, adopted at Cairo on 5 August 1990, could serve as an important reference and his delegation requested that it be included in the documentation for the World Conference on Human Rights.

53. The World Conference should base its overall approach on the indivisibility of all categories of human rights. Its very foundation should be a recognition of the intrinsic interrelationship among democracy, development and human rights and the embodiment of that concept in the future work on human rights. The Conference should also seek practical ways of encouraging accession to the human rights instruments and to problem resolution mechanisms and contributing to the creation of a climate of confidence-building, dialogue and cooperation.

54. Mr. SENE (Senegal) said that the World Conference on Human Rights would highlight the importance of human rights in the life of the peoples for decades to come and underscore the role of the United Nations in that rapidly changing field. The Conference must reflect the universality of the problem and promote the protection of human rights while ensuring respect for the diversity of cultures. The Conference would provide an opportunity to show that the right to development as a human right was a synthesis of civil, political, economic, social and cultural rights, and it must defend the principle of the indivisibility, interdependence and non-selectivity of human rights.

55. The human rights dimension must become a part of all United Nations activities so as to help build a fairer and more fraternal world order. Each region of the world should reflect upon ways of settling emergency situations that endangered human rights. Many areas of the world continued to be shaken by political convulsions, oppression, civil war, xenophobia and extremism, which had caused great loss of life in the countries concerned and had triggered mass movements of displaced persons or refugees. It was with that in mind that the Austrian delegation had proposed the establishment of an emergency mechanism to examine situations that the international community had been unable to deal with in the past. Innovative ways must be found to prevent, monitor and analyse human rights violations before they could become a threat to peace and security. In that connection, he had listened with great interest to the proposals made by the German delegation for the establishment of an international human rights court and a United Nations high commissioner for human rights.

56. It was widely recognized that the protection of human rights included the right to development, to a safe environment and to the historical continuity of peoples. Concerning specific cases in Africa, his delegation suggested that the Secretariat might undertake studies for submission to the Preparatory Committee for the World Conference. At the national level, the institution of ombudsman might also be given consideration or updated.

57. The World Conference should assess the effectiveness of the monitoring mechanisms and procedures and the actions of monitoring bodies in connection with the functioning of the Commission on Human Rights. As for expert advice, his delegation proposed that the Chairman of the International Law Commission and that organ's rapporteur on the draft code of crimes against the peace and security of mankind should be invited to the next session of the Preparatory Committee.

58. The organization of the Conference required the mobilization of centres of research throughout the world and the contribution of public information and education services. As part of the preparations for the Conference, Senegal, acting in collaboration with the Council of Europe and a number of non-governmental organizations, had acted as host for a colloquium some months previously on the subject of democracy and development. Moreover, the International Federation of Human Rights had recently held, at Dakar, under the auspices of President Diouf, Nelson Mandela and representatives of the non-governmental organization France-Libertés, its first congress in Africa to consider the question of the rule of law, respect for human rights, democratic pluralism and peace and development.

59. In view of the unique importance of the Conference, adequate financial resources must be made available so that all developing countries could participate. His delegation, which had taken note of the withdrawal of the candidature of Berlin as the proposed venue of the Conference, was giving close attention to the offer by the Government of Italy to act as host for the event. In any case, it was to be hoped that the Conference would enable significant progress to be made in promoting human rights.

60. Mr. RHENAN-SEGURA (Costa Rica) said that if the World Conference on Human Rights was to produce positive results, it would be necessary to prepare for it carefully in a spirit of true cooperation. In the view of his Government, the Conference must be based entirely upon General Assembly resolution 45/155, must set its objectives in a pragmatic fashion and must strive to achieve real progress in improving human rights throughout the world. Mechanisms must be introduced to improve the human rights situation of women, children, the disabled, migrant workers and religious, sexual, linguistic, racial and indigenous minorities.

61. Particular attention must be focused on refugees and migrants, especially migrant women and refugee women. His delegation called upon the various United Nations organs, including the United Nations High Commissioner for Refugees (UNHCR), as well as the International Organization for Migration (IOM), the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to cooperate with the Centre for Human Rights in establishing new protective mechanisms for those groups.

62. Children constituted another vulnerable group, and the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others should be amended without delay to give better protection to women and children. ILO and the International Committee of the Red Cross (ICRC) should cooperate with the Centre for Human Rights to prevent the exploitation of child labour and the conscription of children into armed forces, as the Convention on the Rights of the Child was inadequate for ensuring such protection.

63. The Conference must be based on the premise that human rights were indivisible, inalienable and interdependent. His delegation was opposed to the idea of promoting certain human rights while ignoring illiteracy, malnutrition and poor health conditions, an adequate standard of living, social security and family assistance, which were just as important as civil,

cultural, social and political rights. The link between environmental protection and human rights was vital for the future and should be included in the work of the Conference.

64. The Conference should serve to strengthen human rights monitoring machinery. Many States took the view that the mere presentation of the required reports meant that human rights were being protected. The Conference must also assess the effectiveness of existing human rights procedures and attempt to develop new methods.

65. It was essential to coordinate the various United Nations bodies so as to avoid redundancy. In that context, the objectivity and work of the various human rights committees must be reviewed, because some of their mandates overlapped and because, in certain cases, they might be serving as a smoke screen behind which major human rights violations were occurring.

66. His Government had long been in favour of the proposal to establish a high commissioner for human rights and a special chamber at the International Court of Justice to judge human rights violations, and it supported the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Conference would provide the opportunity to present a series of proposals for improving the human rights protection system and, in that context, his delegation called upon all States and non-governmental organizations to participate actively in the Conference's work.

67. The Conference must further the role of education as a basic tool in promoting human rights and combating ideological, religious and other forms of intolerance. The right of a person to be different must be an inalienable one. He hoped that the Conference would give priority to activities designed to ensure implementation of the United Nations human rights standards and would work on the preparation of an international convention on the elimination of all forms of intolerance and of discrimination based on religion or belief.

68. To conclude, his delegation wished to express its gratitude to Mr. Martenson and his staff for their devotion to the objectives of the Conference. It regretted that the Conference would not be held in Berlin, which would undoubtedly have been a symbolic venue, and thanked the Government of Italy for offering to act as host for the event.

69. Ms. SYAHRUDDIN (Indonesia) said that the World Conference on Human Rights would serve as a forum for assessing progress in achieving the universal enjoyment of human rights. The Conference must ensure the universality, objectivity and non-selectivity of the consideration of human rights issues. It was already generally recognized that human rights were indivisible and interdependent, and the Conference must therefore avoid politicizing. It must not duplicate the debates of the Commission and other human rights forums and must lay the framework for future action in a constructive, non-confrontational and cooperative spirit.

70. In that context, her delegation recalled the words of the Minister for Foreign Affairs of Indonesia, who, addressing the General Assembly at its forty-sixth session, had said that "in promoting and protecting human rights, the basic aim should be to cooperate in raising a common consciousness in the international community and to encourage improvements in the observance and protection of these rights". United Nations bodies and mechanisms should play a central role in that regard.

71. Turning to the preparatory meetings for the Conference, her delegation said that they should be within the parameters of the relevant resolutions of the General Assembly and the Commission on Human Rights. It would appear, however, that a shift of emphasis had taken place in the objective studies of the Conference as mandated by General Assembly resolution 45/155. In that context, attention should be paid to the primacy of development in the examination of its relation to the enjoyment of economic, social, cultural, civil and political rights.

72. Her delegation welcomed the decision to hold a regional meeting for Asia within the framework of the Economic and Social Commission for Asia and the Pacific (ESCAP), to be attended by members of the Asian group. That would be an opportunity for the Asian Group to provide input concerning the Asian perspective on human rights matters. Her delegation intended to play a more active part in the next session of the Preparatory Committee; it hoped that the Conference would concern itself with the broad sweep of human rights and take a comprehensive approach to such issues.

73. Her delegation thanked the Government of Italy for its offer to act as host for the Conference.

74. Mr. GARRETON (Chile) said he regretted that the Government of Germany would not be able to act as host for the Conference and took note with appreciation of the offer by the Government of Italy to do so.

75. The Conference must focus upon the interrelationship between civil, and political rights, on the one hand, and economic, social and cultural rights, on the other, as well as that between democracy and development. Democracy was a primary factor in achieving development, but it did not automatically guarantee that human rights would be respected or development achieved. The absence of democracy, however, opened the way to human rights violations and placed obstacles in the way of development. Freedom of speech, association and assembly, free elections by secret ballot, the rule of law, an independent judiciary, political pluralism and an electoral system that reflected the will of the majority were essential elements of democracy.

76. The right to development was both a collective and an individual human right. The best way to break the vicious circle of poverty was to promote development, overcome economic, political, social and cultural deprivation and strengthen democratic institutions.

77. The Conference must focus on improving the instruments that ensured respect for human rights. It was unfortunate that, in their reports, Governments often limited themselves to presenting a markedly positive description of the human rights situations in their countries which was not

always in keeping with reality. The machinery based on Commission on Human Rights resolution 1503 (XLVIII) often left the members of the Commission with a feeling of frustration. The Conference should devote its attention to improving those and other procedures. It should also focus on creating an ongoing emergency mechanism to respond to cases of flagrant and massive human rights violations.

78. The Conference should examine such vulnerable sectors as indigenous populations and should also consider the principles that guaranteed the right to justice and the obligation of all States to recognize and protect their citizens through an independent judiciary.

79. His Government wished to stress the important role played by the non-governmental organizations (NGOs). Many international human rights standards had originated in the expression of concern voiced by those bodies. Their participation in the human rights work of the United Nations must be guaranteed and strengthened.

80. Chile supported the holding in Costa Rica of the regional conference for Latin America and hoped that the United Nations would contribute generously to it. Attention should be given to publicizing the World Conference on Human Rights. Human rights were the rights of individuals and peoples, not of Governments, and the Conference would not serve the cause of human rights if it was only a meeting of representatives of Governments and experts. It was important therefore that the peoples of the world should look on the Conference as a forum that addressed issues of concern to them.

81. An active information campaign should be undertaken not only by the Centre for Human Rights, but also by the Organization as a whole, and by Governments, specialized agencies and, most particularly, the NGOs. Consultations should begin in order to reach an agreement on an agenda for the second session of the Preparatory Committee that was based not on confrontation but cooperation and understanding.

STATEMENT BY THE CHIEF JUSTICE OF THE REPUBLIC OF SUDAN

82. The CHAIRMAN welcomed the Chief Justice of the Republic of Sudan and invited him to address the Commission.

83. Mr. LUTFI (Sudan) said he welcomed the opportunity to explain to the Commission the extent to which human rights were respected in the Sudan. The Sudan was an immense territory with great diversity of population, customs and languages. In view of that diversity, national Governments, when introducing new laws, had to ensure that the rights of both the majority and the minorities were recognized.

84. On its assumption of office, the current Government had been obliged to yield to the desire of the majority of the people and introduce a new criminal code based on the sharia. The new code, unlike the previous one, was not applicable to the southern States in which most of the Christians and other non-Muslims resided. Even in the northern States, courts were not allowed to take cognizance of any offence committed by non-Muslims which was permitted by their customs or religion.

85. New sections had been introduced for the first time into the criminal code to protect the liberty and privacy of the individual. The principle of retribution, i.e. an eye for an eye and a tooth for a tooth, was also introduced as well as the punishments ordained by the Koran and the Prophet Mohammed, known as hudd.

86. He had received hundreds of letters from respectable organizations requesting him to commute the punishments prescribed in the sharia, which they described as harsh, degrading, and contrary to the Universal Declaration of Human Rights. While he appreciated the motivation of those who had contacted him, he wished to point out that Muslims had no choice other than to apply such punishments because they believed them to be God-made laws and because they were part of Islam, which was not only a religion but also a system of government and a complete code of conduct that covered the entire sphere of human activity.

87. The denial of the right to apply hudd was therefore a clear violation of the right of belief and choice of religion as expressed in the Universal Declaration of Human Rights. Moreover, Muslims believed that Islamic laws were the most effective ones to prevent crime, punish criminals, and create peace and stability.

88. It should be noted, however, that the hudd were designed to act as deterrents and the prescribed punishments were seldom, if ever, executed. During his two years as Chief Justice of the Sudan, no such punishment as cutting off of hands, cross-limbed amputation or crucifixion had been carried out. That was not because the lower courts did not pass such sentences, but because they were not confirmed by the High Court on account of the virtual impossibility of establishing an offence punishable by hudd.

89. The conduct of the courts and treatment of prisoners in the Sudan was under the control of the judiciary, which was completely independent. All political arrests or detentions were subject to judicial review. In none of his regular visits to prisons in the Sudan had he ever found a case of torture or degrading treatment of a prisoner. Indeed, torture was prohibited not only by law but also by Islamic principles, and the nature of family and tribal relations made such a phenomenon inconceivable. Members of international organizations who had visited prisons in the Sudan and interviewed prisoners who had been allegedly tortured had come away satisfied that torture was not practised by any official in authority.

90. Allegations that prisoners in the Sudan were denied the right to see members of their families or to meet their lawyers and that secret prisons existed were deliberate falsehoods fabricated to serve purposes other than the cause of protection of human rights.

91. He did not deny that special courts had been set up to maintain law and order immediately after the current Government had come to power. After stability had returned, however, all the military judges had been replaced by ordinary judges and the special courts had been abolished. As for the military officers who had recently tried to overthrow the Government, they had been given a fair and just trial by a competent military court convened under

military law. They had not been hanged because they had been caught at the stage of conspiracy before the commission of any act and not because of any internal or external pressure on the Government.

92. The Government of the Sudan was taking serious steps towards democracy. A political system based on participatory democracy was being developed and a transitional national assembly had been established with responsibility for all legislation and for the supervision and control of the executive branch. The judiciary was completely independent and judges could be dismissed only by the High Council of Judges.

93. Human rights in the Sudan were well preserved and the Government would always be ready to cooperate with and assist the Commission on any matter on which help was needed.

The meeting rose at 1 p.m.